

ONEIDA COUNTY PLANNING & ZONING
February 3, 2010

1:00 P.M. REGULAR SESSION
2:00 P.M. PUBLIC HEARING
COMMITTEE ROOM #2

2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski
Ted Cushing
Larry Greschner
Charles Wickman
Dave Hintz

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Kim Gauthier, Secretary

Other County Staff: Brian Desmond, Corporation Counsel

Guests Present: (See sign-in)

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION/DECISION.

Call to order.

Scott Holewinski, Chair called the meeting to order at 1:00 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted and the courthouse is handicap accessible.

Approve the agenda.

Motion by Ted Cushing, second by Charles Wickman to approve the agenda as posted. With all members present voting “aye”, the motion carried.

Approve regular and public hearing minutes of January 6, 2010.

Motion by Larry Greschner, second by Ted Cushing to approve the public hearing minutes of January 6, 2010 as presented. With all members present voting “aye”, the motion carried.

Oneida County vs. McCoy et al Case #09-CV-176. Zoning enforcement concerning McCoy on property described as part Gov't lot 1, Section 2, T36N, R9E, 3513 Cedar Lane, PIN# PE 17-6, Town of Pelican

Mr. Jennrich noted Attorney Schiek is not available until 2:00 p.m. and asked that the committee take this agenda item at that time. Committee agreed to table this agenda item.

Update on Private Onsite Wastewater Treatment Systems (POWTS).

Mr. Jennrich informed the committee that the news release pertaining to this issue has been distributed to all newspapers in the area. Also, a cover letter and notice will be mailed to all those owners who will be going on the maintenance program which includes 8400 systems which will be processed in three phases. The first phase will include the towns of Minocqua, Newbold and Nokomis. Any system installed prior to 1980 will be put on the maintenance program and receive a notice.

Mr. Wickman recommended the Lake Associations and the Wisconsin Realtors Association be notified. Mr. Cushing noted that this is a state mandate not a county regulation.

(cont'd) Oneida County vs. McCoy et al Case #09-CV-176. Zoning enforcement concerning McCoy on property described as part Gov't lot 1, Section 2, T36N, R9E, 3513 Cedar Lane, PIN# PE 17-6, Town of Pelican

Mr. Schiek arrived prior to 2:00 p.m. and the committee decided to discuss the McCoy agenda item.

Mr. Jennrich referred to the letter copied to the committee written by Mr. John Schiek (Exhibit #1). Mr. Jennrich also supplied a timeline of the events that have taken place with the McCoy property beginning with a complaint (Exhibit #2).

Mr. Schiek commented on his client's position regarding the patio removal by saying the Judge did not order removal of the patio only fines were issued. Mr. Schiek indicated he also discussed a larger fine without removal of the patio at that time, however, he commented that he believes he could also refer to the Goody case and injunctive relief could be granted. Mr. Schiek commented that he does not understand why the county is appealing this decision, as it was his understanding while in court that the county would concede with the Judge's order. Mr. Schiek commented on the appeal process and the time involved with that process and the affect on the property owner. The property owner would like to sell the property and this will hold up that possible sale.

Brian Desmond, Corporation Counsel commented that the Goody case from Forest County is not similar to what has occurred with Mr. McCoy. Mr. Desmond also noted that he did not inform Mr. Schiek that the Judges decision would be final and no appeal would be filed on the county's behalf.

Mr. Holewinski commented that in the past the committee has not allowed a fine to be paid in lieu of allowing a violation to remain.

Bob Rossi, Lake Thompson property owner asked to comment. Mr. Rossi commented that Mr. McCoy owns a trucking business and should have known about ordinance restrictions. Mr. Rossi also commented that there are many landowners on this lake who could afford to pay a fine so to get around the ordinance but that this would diminish the intent of the ordinance. Mr. Rossi also commented that in the Goody case there was a permit issued and that is not the case in McCoy.

Mr. Greschner indicated he would be willing to make a motion reaffirming the department's action and proceed with an appeal. Mr. Desmond indicated that a motion is not necessary to proceed.

Mr. Schiek asked what is needed to stop the appeal process.

Mr. Holewinski indicated the committee would like the patio taken out as originally directed.

NR 115.

Mr. Jennrich discussed the letter distributed to the committee addressed to Greg Breese, WDNR (Exhibit #3).

Mr. Wegner indicated he will attend a DNR meeting on February 16th to discuss the questions counties have and possible grant opportunities for changing the ordinance. The state may possibly issue \$5000 to each county for implementation. Mr. Wegner indicated the department just received a model ordinance which has raised additional questions by staff.

The committee agreed that this letter should be copied to Mr. Holprein and Steve Margitan and asked that the questions raised by the town of Little Rice regarding land condominiums also be asked by staff.

Forward Ordinance Amendment #1-2009 Chapter 15, The Oneida County Subdivision Ordinance, to the Oneida County Board of Supervisors

Mr. Jennrich presented amendment #1-2009 as previously discussed (Exhibit #4).

Mr. Cushing noted that the committee had the Planning and Zoning Secretary transcribe all public comment from the public hearing and the committee went through each individuals comment and/or question from that meeting prior to approval of Chapter 15.

Motion by Ted Cushing, second by Charles Wickman to forward ordinance amendment #1-2009, Chapter 15, The Oneida County Subdivision Ordinance to the County Board for approval. With all members present voting "aye", the motion carried.

Forward Ordinance Amendment #12-2009 Section 9.93 D, Minimum Lot Area, to the Oneida County Board of Supervisors.

Motion by Larry Greschner, second by Charles Wickman to forward ordinance amendment #12-2009, Section 9.93 D, Minimum lot area to the Oneida County Board for approval. With all members present voting "aye", the motion carried.

Line items, transfers, refunds, purchase orders and bills.

Mr. Jennrich indicated there is a refund request from Mr. Sheppel, however the department does not recommend approval as it would total \$2.00 and the county does not issue refunds fewer than five dollars.

Motion by Scott Holewinski, second by Larry Greschner to deny the refund for Mr. Sheppel as presented. With all members present voting “aye”, the motion carried.

Mr. Jennrich indicated the purchase orders and bills are in the amount of \$613.13 and \$2443.07 (Exhibit #6, #7). Line item transfers have also been supplied (Exhibit #8).

Motion by Ted Cushing, second by Charles Wickman to approve the bills and purchase orders as submitted. With all members present voting “aye”, the motion carried.

Motion by Larry Greschner, second by Ted Cushing to approve the line item transfers as presented. With all members present voting “aye”, the motion carried.

Approve future meeting dates: February 17 and March 3, 2010.

Public comments.

There was no public comment made.

Future agenda items.

- NR115
- Comprehensive plan reimbursement request.

Time: 1:53 p.m. Recess until public hearing.

Mr. Holewinski called the public hearing to order at 2:00 p.m.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit Application of Karen Krueger Pierce, purchaser, Rose Kroll owner to establish a retail store in an existing building involving sales of clothing, jewelry, gifts, beverages and coffee, and bake shop for property at 7901 Arbutus Drive further described as Block 2, Lot 1 M.A. Eberts 1st Addition to Lake Tomahawk located in Section 3, T38N, R7E, PIN# LT 631, Town of Lake Tomahawk.

Mr. Jennrich read the notice of public hearing for the above agenda item. The notice was published in the Rhinelander Daily News on January 19, 2010 and January 26, 2010 along with the Lakeland Times the week of January 18, 2010. The notice was posted on the Courthouse bulletin board on January 14, 2010. The mailing list was noted and located in the file for review.

The following correspondence was received:

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- Letter from the Town of Lake Tomahawk approving the conditional use permit application.

Mr. Osterman read the report provided (Exhibit #9) to the committee. The general standards were supplied and conditions recommended as follows:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the conditional use permit.
2. All state and local licensing to be obtained prior to operation.
3. Signage placed in accordance with the Oneida County Zoning and Shoreland Protection Ordinance.
4. Outside music is not authorized with this permit.
5. Additional P&Z Committee concerns.

Mr. Holewinski asked if there was any public comment for the issue at hand.

Bill Liebert commented he is in favor of Karen Krueger Pierce's endeavor (inaudible sound).

Ed Choinski, Lake Tomahawk, commented he spoke to JJ's Sports next door and they are more than happy to have this business come into the area.

Motion by Ted Cushing, second by Dave Hintz to approve the conditional use permit of Karen Pierce, Town of Lake Tomahawk, agenda item thirteen with the general standards having been met and that any staff and town conditions be attached to the conditional use permit. With all members present voting "aye", the motion carried.

Adjourn

Time: 2:10 p.m.

Motion by Ted Cushing, second by Larry Greschner to adjourn. With all members present voting "aye", the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director